

Inner City Press

September 30, 2020

By e-mail

Hon. Nicholas G. Garaufis Senior United States District Judge
U.S. District Court, Eastern District of New York
225 Cadman Plaza East, Room 1426 S
Brooklyn, New York 11215

Re: Press access in USA v. Bronfman, et al., 18-cr-204-3 (NGG-VMS)

Dear Judge Garaufis:

This is a Press request that the Court's sentencing of Clare Bronfman in the above-captioned case be made accessible to the public and press by listen-only telephone link, in the same fashion as other proceedings to which far less First Amendment presumption of public access attaches have been, at least in the SDNY and EDNY, during the ongoing COVID-19 pandemic.

This request is made on behalf of Inner City Press, which has reported on this case (see, <http://www.innercitypress.com/edny2nxivmbronfman081820.html> and, e.g., "Raniere to Be Sentenced Oct. 27," "Thanks to the good offices of the Inner City Press, some of the judge's comments are shared," <https://frankreport.com/2020/08/14/raniere-to-be-sentenced-oct-27/>) and in my own personal journalistic capacity.

While the EDNY, like the SDNY, has remained partially open during the COVID-19 pandemic, still restrictions on entry by some is limited (for example, those who have traveled to other countries or particular other US states in the past 14 days).

For that reason, in the SDNY where I daily report on cases on the CourtCall, Skype and AT&T platforms, even scheduling conferences and civil cases which have just begun to be held in-person are still made available to the press and public via a listen-in conference line.

As the Court clearly knows, there is substantial public and press interest in Ms. Bronfman's sentencing and in other of its cases. Inner City Press became aware less than 12 hours ago that there would be no telephone or other virtual / socially distanced access to the proceeding, but rather "Overflow Courtrooms: 2E North

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and 2F North" and then "in the cafeteria seating area on the 3rd floor of the courthouse."

In the SDNY courthouse at 500 Pearl Street, the cafeteria has been closed for months amid the pandemic, while the courthouse has been open, at least to the press and court personnel, every work day since March. By contrast, the EDNY Brooklyn courthouse was recently closed to the public due to COVID-19 issues.

In this context it seems clear that listen-only telephone access to Ms. Bronfman's sentencing should be afforded, including under the applicable Constitutional caselaw on the rights to the public and press to access to court proceedings, particularly criminal and especially sentencing proceedings.

See also, https://twitter.com/big_cases/status/1299446350002769922

<https://www.usatoday.com/documents/7047918-Order-on-Letter-Motion/>

If there is any doubt about, or opposition to, this request, this is an request to be heard (telephonically) by the undersigned. This request is made on a separate basis - First Amendment presumption of public and press access, in the context of the COVID-19 pandemic - than the defendant's families request to participate made in Docket No. 933. Reference is also made to Chief Judge Mauskopf's subsequent Administrative Order 2020-24 of September 29, 2020.

Please act on, and docket, this request, prior to the sentencing.

Respectfully submitted,

Matthew Russell Lee
Inner City Press